

AMENDED IN SENATE MAY 6, 2009

**SENATE BILL**

**No. 193**

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**Introduced by Senator Lowenthal**

February 23, 2009

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An act to add and repeal Section 52124.2 of the Education Code, relating to class size reduction, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 193, as amended, Lowenthal. Class size reduction: Long Beach Unified School District.

Existing law allows a school district that maintains kindergarten or grades 1 to 3, inclusive, to apply to the Superintendent of Public Instruction for an apportionment to implement a K–3 Class Size Reduction Program. The purpose of the program is to ensure that instruction is received in classrooms where there are not more than 20 pupils. The Controller is required to deduct an amount equal to the amount received by the school district for class size reduction from the district's next principal apportionment or apportionments of state funds if the district does not implement its class size reduction program for all grades and classes for which it received funding.

This bill would allow the Long Beach Unified School District to claim funding for a K–3 Class Size Reduction Program for the 2008–09, 2009–10, 2010–11, and 2011–12 school years based upon enrollment counts before mandatory closures on Catalina Island resulting from the October 2007 fire and resultant debris flow hazard due to weather-related conditions if specified criteria are met. The district also would be allowed to claim funding for a class size reduction program if the class size exceeds 20 pupils, or the class is housed with another class, and

specified criteria are met. These provisions would become inoperative on July 1, ~~2013~~ 2012, and would be repealed on January 1, ~~2014~~ 2013.

This bill would state the findings and declarations of the Legislature concerning the need for special legislation.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 52124.2 is added to the Education Code,  
2 to read:

3 52124.2. (a) Notwithstanding any other provision of this  
4 chapter, the Long Beach Unified School District may claim funding  
5 pursuant to this chapter for the 2008–09, 2009–10, 2010–11, and  
6 2011–12 school years based on enrollment counts before the  
7 closures on Catalina Island resulting from the October 2007 fire  
8 and resultant debris flow hazard due to weather-related conditions,  
9 if the following criteria are met:

10 (1) The school district submits to the Superintendent a “Request  
11 for Allowance of Attendance Because of Emergency Conditions”  
12 pursuant to Section 46392 and the emergency conditions were  
13 caused by a mandatory closure or closures.

14 (2) The school district certifies that it suffered a loss of  
15 enrollment in classes because of a mandatory closure or closures.

16 (b) Notwithstanding any other provision of this chapter, the  
17 Long Beach Unified School District may claim funding pursuant  
18 to this chapter for the 2008–09, 2009–10, 2010–11, and 2011–12  
19 school years for classes in which the K-3 Class Size Reduction  
20 Program is implemented that either exceed 20 pupils or are housed  
21 with another class, if the following conditions are met:

22 (1) The school district certifies that the number of pupils enrolled  
23 in a district school increased as a direct result of the closures on  
24 Catalina Island resulting from the October 2007 fire and resultant  
25 debris flow hazard due to weather-related conditions, and this  
26 growth increased the number of pupils enrolled in classes in which  
27 the K-3 Class Size Reduction Program is implemented.

28 (2) The school district certifies that it lacked sufficient classroom  
29 space or credentialed teachers to accommodate the enrollment

1 increase from the closures on Catalina Island resulting from the  
2 October 2007 fire and resultant debris flow hazard due to  
3 weather-related conditions.

4 (c) This section shall become inoperative on July 1, ~~2013~~ 2012,  
5 and as of January 1, ~~2014~~ 2013, is repealed, unless a later enacted  
6 statute that is enacted before January 1, ~~2014~~ 2013, deletes or  
7 extends the dates on which it becomes inoperative and is repealed.

8 SEC. 2. The Legislature hereby finds and declares that due to  
9 unique circumstances relating to the Long Beach Unified School  
10 District, a general statute cannot be made applicable within the  
11 meaning of Section 16 of Article IV of the California Constitution.

12 SEC. 3. This act is an urgency statute necessary for the  
13 immediate preservation of the public peace, health, or safety within  
14 the meaning of Article IV of the Constitution and shall go into  
15 immediate effect. The facts constituting the necessity are:

16 In order to provide timely essential relief to the Long Beach  
17 Unified School District that may experience a loss of state funding  
18 as a result of mandatory fire and weather-related school closings  
19 on Catalina Island, it is necessary that this bill take effect  
20 immediately.